

REPORT - PLANNING COMMISSION MEETING
April 8, 2004

Project Name and Number: Mission Peak Homes TR 7422 (PLN 2003-00148)

Applicant: Mission Peak Homes

Proposal: To consider a Vesting Tentative Tract Map and Preliminary Grading Plan for the creation of six single-family residential lots.

Recommended Action: Approve, based on findings and subject to conditions.

Location: 1724 Peralta Boulevard in the Centerville Planning Area

APN: 501-1822-003

Area: 1.40 acres; six lots ranging from 6,025 to 8,755 square feet.

Owner: Mission Peak Homes Development Company

Agent of Applicant: Steve M. Allen, Project Manager

Consultant(s): MacKay & Soms

Environmental Review: A Mitigated Negative Declaration was prepared and circulated for this project.

Existing General Plan: Low density residential, 5-7 units per acre

Existing Zoning: R-1-6 (Single Family Residential)

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. Forty (40) notices were mailed to owners and occupants of property within a minimum radius of 300 feet of the site on the following streets: Acacia Ct., Acacia St., Peralta Boulevard, Shinn Ct., Skelton Ct., Smith Ct., and Young Dr. The notices to owners and occupants were mailed on March 26, 2004. A Public Hearing Notice was delivered to The Argus newspaper on March 22, 2004 to be published by March 25, 2004.

Project Description: The applicant requests approval for a Vesting Tentative Tract Map (TR7422) and Preliminary Grading Plan to subdivide 1.40 acres into six single-family lots. The new lots range in size from approximately 6,025 to 8,755 Square feet. Currently the site is vacant and primary access to the proposed development will be from Peralta Boulevard. The proposed grading plan triggers approximately 300 cubic yards of cut resulting in approximately 2,200 cubic yards of total grading for the project. Additionally, the project proposes import of approximately 1,900 cubic yards of fill in order to create building pads that drain towards the residential streets, Acacia Way and Acacia Court

Existing and Surrounding Land Use: The project site is located within an existing established single-family neighborhood and is one of the few remaining undeveloped parcels in the project vicinity. Single-Family Residential (R-1-6) zoning districts surround the project site on north, south and east and on the west the zoning designation is R-2. Parkmont Elementary School lies to the south of the subject property and BART tracks and the Fremont Congregation of Jehovah's Witnesses are to the east of the project site.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Low Density Residential, 5 –7 dwelling units per acre. The proposed project at 5-7 units per acre is consistent with the General Plan land use designation goals and policies as follows.

Goal H 1	<u>Conservation and enhancement of existing residential neighborhoods.</u>
Goal H 2	<u>High quality and well-designed new housing of all types throughout the city.</u> Although situated on a unique lot and responding to various unique circumstances, the proposed development is both within the allowable density range and consistent with the surrounding neighborhood.
Policy LU 1.18	<u>Single family detached homes shall be proportional to their lots.</u>
Policy LU 1.19	<u>For single family residential developments, the City shall encourage within each project varied setbacks, curves in roadways, variety in frontages, and appropriate landscape treatment to create a visually attractive street frontage.</u> Prior to issuing building permits, staff will review development plans to ensure the proposed product complies with Policy LU1.18 and LU1.19.

Zoning Regulations: The project site is zoned Single Family Residential (R-1-6). The proposed development of the site as a new single-family subdivision is compatible with the surrounding land uses. The following section identifies the development standards for the R-1-6 zoning district. The proposed project will comply with development standards as development of the new lots occur (Condition 3).

Setbacks--The R-1-6 building setbacks are a 20-foot front yard setback, 25-foot rear yard setback, and the following side yard setbacks: for one-story structures, one side 5 feet, total for both sides 12 feet; for two story structures, one side 6 feet, total for both sides 15 feet. Future homes on the proposed parcels will be required to conform to the required setbacks.

Lot Size— The minimum lot size for the R-1-6 zoning district is 6,000 square feet. The proposed lot dimensions and lot sizes of the six proposed parcels conform to the zoning district requirements. The proposed lots range from 6,025 square feet (lot 4), to 8,755 square feet (lot 1) and are compatible with the lot sizes of adjacent properties.

Landscaping: The proposed project is located on a site that has a total of 25 mature trees. Eight (8) of these are protected under the City's Tree Preservation Ordinance. Four of these trees, numbers sixty-four (64), sixty-six (66), sixty-seven (67) and seventy (70) were inadvertently removed during demolition work. Mitigation for the non-permitted removal of these trees shall be the planting of four (4) 48" Box trees. Tree seventy-six (76) (refer to tree survey) shall be preserved within the development (condition 7). The three (3) remaining trees, numbers fifty-six (56), sixty-five (65) and eighty (80) are approved for removal. The removal of these trees will have little effect on City's urban forest due to their small size. In addition, the project greatly improves the site with the planting of many new trees and is a positive addition to the neighborhood. This is consistent with the provisions of the Tree Preservation Ordinance.

There are a total of seven (7) trees on adjacent properties that will be affected by the proposed development. These trees, numbers seventy-one (71), seventy-two (72), seventy-three (73), seventy-five (75), eighty-three (83), eighty-four (84) and eighty-five (85) shall be preserved. The trees designated for preservation will require specific tree protection measures that may require design modification to the proposed masonry walls.

Circulation/Access Analysis: The project site is located adjacent to Tract 5950, along Peralta Boulevard, also known as State Route 84, and Acacia Court, a partially developed public cul-de-sac street. Tract 5950, approved in 1989, was developed with a thirty-foot wide temporary access to Peralta Boulevard. This temporary access is to be vacated when access can be provided by Acacia Street, which is planned to extend to Peralta Boulevard through a four-acre parcel west of Tract 5950.

The six proposed residential lots will have frontage on Acacia Court and Acacia Way. Lot 1 will back up to Peralta Boulevard and Lot 1 will include a ten-foot wide temporary access easement. The additional ten-foot easement dedication, when combined with the existing thirty-foot wide easement dedicated with Tract 5950, will provide for the construction of a temporary sidewalk along the eastern edge of the temporary driveway to Peralta Boulevard. Development of the project will also require installation of a standard sidewalk along all street frontages to provide for pedestrian circulation.(Exhibit 'A')

Peralta Boulevard, an existing arterial street, will provide primary access the project site. However, upon the construction of Acacia Way, a residential collector street, the primary access to the subdivision will be provided by Acacia Street and Acacia Ct. Lots, 3, 5 and 6 have exclusive driveways proposed on Acacia Way. The other three units; lots 1, 2 and 4 will use Acacia Ct. as primary access.

Street Improvements: The project is required to dedicate right-of-way and install complete street improvements, in accordance with the Subdivision Ordinance, for those portions of Peralta Boulevard, Acacia Court, and Acacia Way, on which the project abuts. The following summarizes the requirements for each abutting street.

- Peralta Boulevard (also State Route 84) is a planned four-lane thoroughfare in the General Plan. The ultimate planned right-of-way for this portion of Peralta Boulevard is 104 feet (52 feet from centerline) with a pavement width of 84 feet, including a raised center median. Projects that back up to thoroughfares are required to dedicate an additional six to ten feet of right-of-way, which provides additional landscaping and a staggered sound wall. The project shall dedicate right-of-way for Peralta Boulevard, including the required backup landscaping, and install complete street improvements. The subdivider shall pay cash in-lieu of constructing the median in Peralta Boulevard.
- Acacia Way is a minor residential collector street with a fifty-two foot right-of-way and thirty-two foot pavement width. The project shall dedicate a fifty-two foot right-of-way and install complete street improvements for Acacia Way through the project site.
- Acacia Court is a residential cul-de-sac street extending north from Acacia Way. The project shall dedicate right-of-way to complete Acacia Court as a fifty-two foot wide street with a one hundred foot diameter cul-de-sac bulb. The project shall install street improvements to complete Acacia Court.

Temporary Access Easement: The project shall dedicate to the City of Fremont a ten-foot wide temporary access easement along the western boundary of Lot 1. The temporary access easement, in conjunction with the existing access easement over Lot 1 of Tract 5950, will provide for temporary vehicular and pedestrian access to Peralta Boulevard. The project shall install improvements to the temporary access easement, which include a sidewalk and landscaping. The easement shall be quit-claimed at such time the City determines the easement is no longer required. The subdivider shall pay cash in-lieu of installing permanent improvements along Peralta Boulevard and Acacia Court, in the vicinity of the temporary access easement. The subdivider shall also provide cash deposit for future removal of the temporary improvements within the access easement.

Grading/Topography: The project site was formerly a residential lot with a house, barn, and pump house. These structures were razed under a demolition permit issued in November 2002. There are existing trees within the boundary of the proposed subdivision, all trees except tree seventy-six (76) (Weeping Birch) are proposed for removal with this project. The existing ground surface is predominantly flat. The project proposes import of approximately 1,900 cubic yards of fill in order to create building pads that drain towards the residential streets, Acacia Way and Acacia Court. A maximum two-foot high retaining wall is proposed along the projects southern boundary to provide for the positive drainage release to Acacia Way. Approximately 300 cubic yards of cut is estimated by the project engineer, resulting in approximately 2,200 cubic yards of total grading for the project. The Planning Commission is the reviewing agency for projects with over 1,000 cubic yards of total grading. A Preliminary Grading Plan application has been submitted for review and approval by Planning Commission along with the Tentative Tract Map.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to

discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Applicable Development Impact Fees: Five of the six new units of this project will be subject to Citywide Development Impact Fees (condition 4). These fees may include fees for fire protection, park facilities, park dedication-in-lieu, capital facilities and traffic impact. As the property previously contained one residential unit, a credit will be given for the demolished house and the payment of the impact fees will be for the additional five homes. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Environmental Analysis: A Mitigated Negative Declaration was prepared and circulated for this project. The mitigation measures call for the installation windows and glass doors with minimum sound transmission of class (STC) 28 and construction of a 8 foot high acoustically efficient barrier/wall along the property line contiguous with Peralta Boulevard and along east and west property line (condition 5).

Public Comment: No concerns have been received at this time.

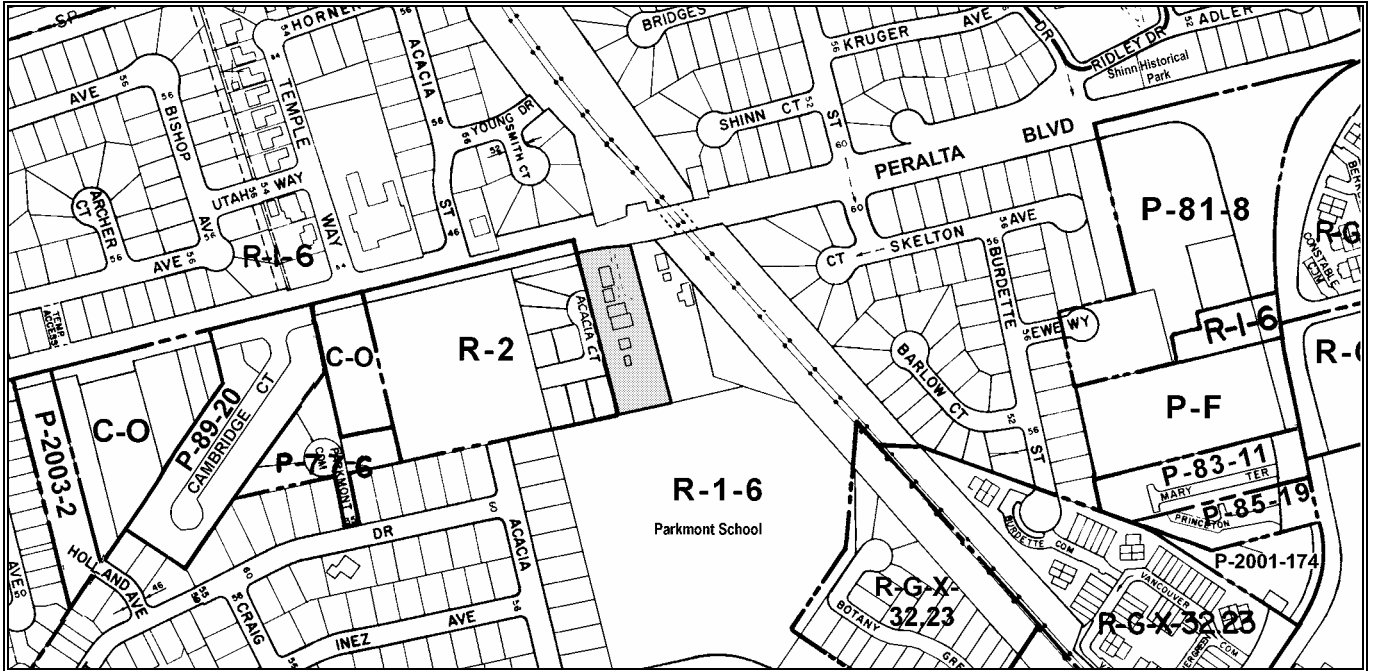
Enclosures: Exhibit "A" (Vesting Tentative Tract Map 7422)
Exhibit "B" (Vesting Tentative Tract Map 7422 Findings & Conditions)
Exhibit "C" (Preliminary Grading Plan)
Exhibit "D" (Preliminary Grading Plan Findings & Conditions)
Exhibit "E" (Mitigated Negative Declaration)

Exhibits: Exhibit "A" (Vesting Tentative Tract Map 7422)
Exhibit "B" (Vesting Tentative Tract Map 7422 Findings & Conditions)
Exhibit "C" (Preliminary Grading Plan)
Exhibit "D" (Preliminary Grading Plan Findings & Conditions)
Exhibit "E" (Mitigated Negative Declaration)

Recommended Actions:

1. Hold public hearing.
2. Find the Initial Study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources. Therefore, find that there is no evidence the project would have any potential for adverse effect on wildlife resources and recommend the filing of a Certificate of Fee Exemption for the project.
3. Adopt the Draft Mitigated Negative Declaration for the project finding that there is no substantial evidence that the project, as mitigated will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
4. Find that the proposed project (PLN2003-00148) is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
5. Find PLN2003-00148, as per Exhibit "A" (Vesting Tentative Tract Map 7422), and Exhibit "C" (Preliminary Grading Plan) fulfills the applicable requirements set forth in the Fremont Municipal Code (Planning and Zoning Ordinance).
6. Approve Vesting Tentative Tract Map TR 7422 (as shown in Exhibit "A" and subject to findings and conditions in Exhibit "B"), and approve Preliminary Grading Plan (as shown in Exhibit "C" and subject to findings and conditions in Exhibit "D").

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

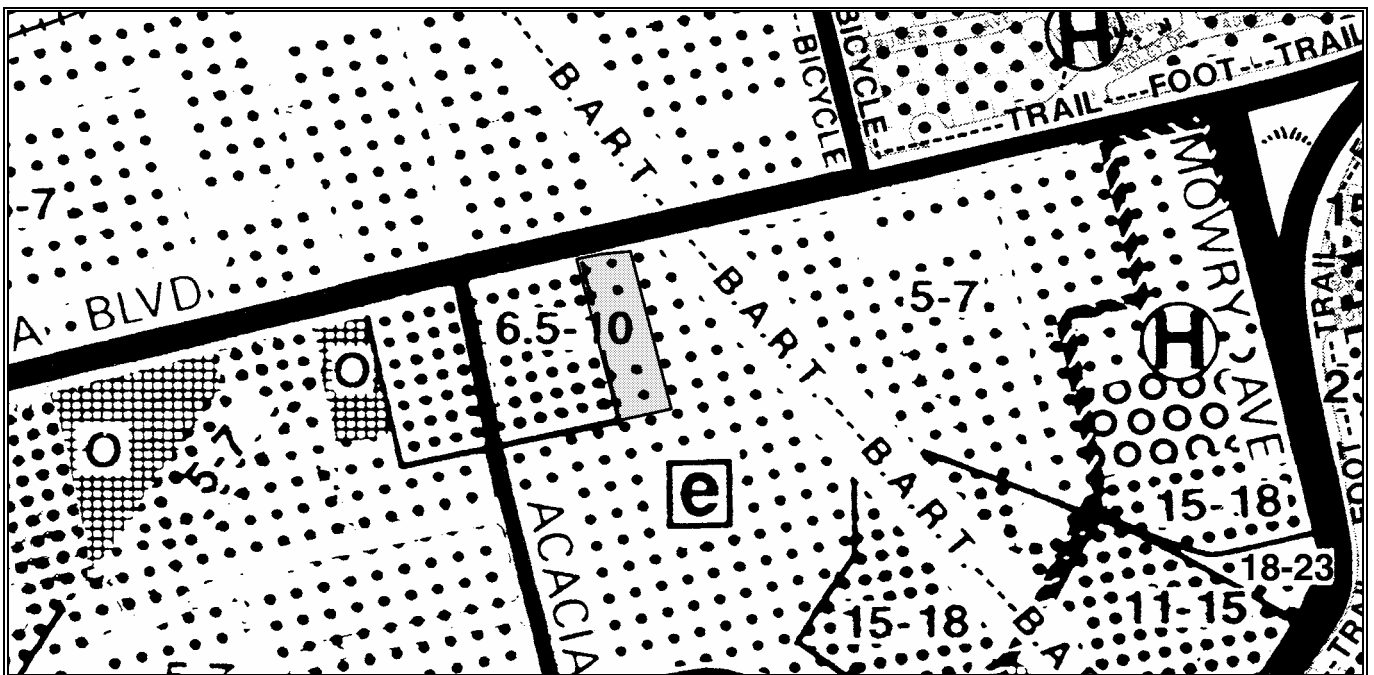


EXHIBIT "B"
Mission Peak Homes
Vesting Tentative Tract Map TR 7422 (PLN2003-00148)

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission and information received at the Public Hearing on April 8, 2004, incorporated herein.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards as stipulated in the R-1-6 zoning district.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plan, because the proposed development conforms to the Residential, Low Density (5-7 du/acre) land use designation for the site and the goals and policies enumerated in the staff report.
3. The site is physically suitable for the type and proposed density of the development, and the proposed subdivided is consistent with the established pattern of development and lot sizes found in the neighborhood.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because there is no evidence of habitat or rare endangered species at this location.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's developmental policies and practices.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements will be required prior to the acceptance of the Final Map for this project.

CONDITIONS:

1. The project shall conform with Exhibit "A" (Vesting Tentative Map 7422 and Preliminary Grading Plan), all conditions of approval set forth herein.
2. Plans must be submitted to the Development Organization for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
3. Proposed residential units shall meet the setback requirements as identified in the zoning ordinance for the single family (R-1-6) Zoning District.
4. Any development on the newly created lots (five of the six newly created lots) will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park dedication-in-lieu, capital facilities and traffic impact. These fees shall be calculated at the rate in effect at the time of building permit issuance and will be collected prior to building permit issuance.
5. The interior and exterior sound transmission standards shall be those in effect at the time of project approval, pursuant to the California Housing Code. The final building plans shall be reviewed by the

acoustic consultant to ensure that all of the mitigation measures required are incorporated in the site design. A letter shall be submitted to staff stating that the plan is in compliance with the requirements for noise mitigation, and shall be subject to staff review and approval during the Development Organization review process.

6. Prior to commencement of grading, any required weed abatement for fire hazard control, as specified by the City's Fire Department, shall be done by mowing the site, rather than discing. Thirty days prior to the commencement of any grading, site clearing or construction activities, a site investigation shall be completed by a certified wildlife biologist to determine if any burrowing owls are present on the site. If a determination is made that burrowing owls are indeed present, construction will not be allowed to proceed until all the recommendations of the wildlife biologist for relocating owls have been completed.
7. Tree number seventy-six (76) (per Tree Survey plan) Weeping Birch shall be preserved. In addition the following trees seventy-one (71), seventy-two (72), seventy-three (73), seventy-five (75), eighty-three (83), eighty-four (84) and eighty-five (85) located on adjacent properties shall be preserved. The trees designated for preservation will require that specific tree protection measures be identified on the Tract Improvement Plans.
8. The following trees shall be planted as mitigation for the four (4) trees removed without a permit. On Lot 2 provide one (1) 48" Box tree, Lot 3 provide two (2) 48" Box trees and Lot 5 provide one (1) 48" Box tree. The species and exact location of the trees shall be subject to Landscape staff approval during the Tract Improvement Plan review.
9. The applicant shall provide 24" Box street trees at 35' on center in the street right of way along Acacia Way and Acacia Court. Street trees shall be installed in compliance with the City Standard Tree Planting Detail, SD-34. Clearances between Utilities and Trees shall conform to SD-34 City Standard Street Tree Clearances. Species and exact location shall be subject to Landscape staff approval during Tract Improvement Plan review.
10. The applicant shall provide back up landscaping along Peralta Boulevard between the proposed sound wall and the street curb and in the landscape planter between the proposed sound wall and the sidewalk along the access easement into Acacia Court. Landscape shall consist of 24" Box trees, 5 gallon size shrubs and 1 gallon groundcovers with automatic irrigation subject to Landscape staff approval during the Tract improvement Plan review.
11. The applicant shall install vines and irrigation system along the sound walls facing Peralta Boulevard and along the wall that separates lots 5 and 6 and the school to the south.
12. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. A copy of the LDRP is available at the Engineering Counter shall prevail.
13. The final map and subdivision improvement plans shall be submitted to the Engineering Division for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
14. The Subdivider shall dedicate right-of-way and install complete street improvements for the public streets surrounding the project site: Peralta Boulevard, Acacia Court, and Acacia Way. All required dedications and street improvements are subject to review and approval of the City Engineer prior to final map approval. The following are the minimum dedication and street improvement requirements for these public streets.
 - a. Peralta Boulevard (also known as State Route 84): Right-of-way dedication is required to provide for the ultimate planned right-of-way of one hundred and four feet (104'). Additional right-of-way shall be dedicated for backup landscaping in accordance with the Subdivision Ordinance. The subdivider shall install complete street improvements to the centerline of Peralta Boulevard. Street improvements

include, but are not limited to: installation of pavement, curb, gutter, sidewalk, landscape, irrigation, streetlights, fire hydrant, and storm drain facilities; and relocation of existing utilities. The existing overhead utilities along the project frontage shall be removed and installed underground by the subdivider. The subdivider shall provide cash in-lieu of constructing approximately 144 feet of median within Peralta Boulevard. The subdivider shall provide cash in-lieu of constructing permanent street improvements on Peralta Boulevard adjacent to the temporary access easement dedicated over Lot 1. The in-lieu amounts shall be determined at the time of the final map.

- b. Acacia Court: The subdivider shall dedicate right-of-way to provide for the planned right-of-way of fifty-two feet, with a pavement width of thirty-two feet. Acacia Court shall be terminated with a City standard type "A" cul-de-sac bulb. The subdivider shall install complete street improvements to the centerline of Acacia Court. Street improvements include, but are not limited to: installation of pavement, curb, gutter, sidewalk, landscape, irrigation, streetlights, and storm drain facilities. The subdivider shall provide cash in-lieu of constructing permanent street improvements on Acacia Court adjacent to the temporary access easement dedicated over Lot 1. The in-lieu amount shall be determined at the time of the final map.
 - c. Acacia Way: The subdivider shall dedicate right-of-way to provide for the ultimate planned right-of-way of fifty-two feet, with a pavement width of thirty-two feet. Acacia Way shall be terminated with a City standard street barricade, which allows for future eastward extension of Acacia Way. The street improvements include, but are not limited to: installation of pavement, curb, gutter, landscape, irrigation, streetlights, and storm drain facilities.
- 15. The subdivider shall dedicate a ten-foot wide temporary access easement along the western boundary of Lot 1. The subdivider shall install temporary street improvements over the easement dedication. Street improvements include, but are not limited to: installation of curb, gutter, sidewalk, landscape, and irrigation. The subdivider shall also repair any structural deficiencies in the paved width on the existing thirty-foot wide temporary access easement within the adjacent Tract 5950, as determined by the City Engineer prior to final map approval. The subdivider shall provide cash in-lieu deposit for the removal of the temporary improvements within the temporary access easement. The in-lieu amount shall be determined at the time of the final map.
 - 16. The subdivider shall establish a Lighting and Landscape Maintenance District to handle the periodic maintenance of the backup landscaping along Peralta Boulevard across the projects frontage.
 - 17. The subdivider shall dedicate a minimum six-foot wide public service easement along the Acacia Court and Acacia Way frontages of Lots 1 through 6.
 - 18. The subdivider shall prohibit the right of access from Peralta Boulevard to Lot 1 in accordance with the Subdivision Ordinance. This access prohibition shall be shown on the Final Map.
 - 19. The developer or subdivider shall obtain an encroachment permit from Caltrans for the work within Peralta Boulevard. The encroachment permit shall be obtained prior to approval of the final map.
 - 20. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans. The final streetlight plan and joint trench plan shall be completed prior to final map approval.
 - 21. The subdivider shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Tract Map 7422.
 - 22. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
 - 23. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or it's agents, officers, or employees to attack, set aside, void, or

annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code.

24. The City of Fremont shall promptly notify the applicant of any claim, action, or proceeding to attack, set aside, void, or annul, its approval and shall cooperate fully in the defense thereof.
25. All new utility service connections, including electrical and communications, shall be installed underground.
26. The subdivider shall underground all existing overhead utility lines along the Peralta Boulevard frontage of the project in accordance with the City of Fremont's Utility Underground Ordinance.
27. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
28. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
29. All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer.
30. Prior to issuance of any building permits, the applicant has to meet the requirements of County of Alameda Public Works Agency outlined in February 5, 2004 letter. These requirements include but not limited to a detailed grading and drainage plan with supporting calculations and a complete Drainage Review Check List.
31. The developer, at time of initial sale, shall provide to the buyer information on good housekeeping of hazardous products, i.e. proper use and disposal, prohibited discharge practices, etc. Informational materials will be furnished by the City.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

EXHIBIT "D"
Mission Peak Homes
Preliminary Grading Plan (PLN2003-00148)

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission and information received at the Public Hearing on April 8, 2004, incorporated herein

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is in a special studies zone. However, a geologic analysis has been completed, as required by the Alquist-Priolo Earthquake Fault Zoning Act, which concludes there are no fault zones or evidence of slides on the site which might be aggravated by site grading, and development of the property is appropriate as proposed. A soil study will be done and submitted to the City with the Final Map.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the City engineer upon City review of the reports. Geologic analysis has been completed, as required by the Alquist-Priolo Earthquake Fault Zoning Act, which concludes there are no fault zones or evidence of slides on the site which might be aggravated by site grading, and development of the property is appropriate for the proposed project, nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont, because it is being developed in accordance with City Standards.

CONDITIONS:

1. The project shall conform to Exhibit "C", Preliminary Grading Plan (PLN2003-00148), all conditions of approval set forth herein, and all conditions of approval of Vesting Tentative Tract Map 7422 (PLN2003-00148).
2. Approval of this preliminary grading plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
3. Approval of this preliminary grading plan shall run concurrent with the approval and subsequent extensions of Vesting Tentative Tract Map 7422.
4. The developer shall provide for a functional drainage system subject to approval of the City Engineer and Alameda County Flood Control and Water Conservation District.

5. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
6. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
7. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer and Alameda County Flood Control and Water Conservation District. A separate plan shall be submitted for this purpose.
8. All cut and fill slopes shall be constructed to a maximum of three horizontal to one vertical (3:1).
9. The applicant shall submit a detailed soils report including recommendations regarding structural sections, prepared by a qualified soils engineer registered by the State of California.
10. Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work. City staff will assume inspection responsibility for street grading at a point six inches below planned subgrade.
11. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
12. The applicant may be allowed grading deviation up to a maximum of one foot (plus or minus) between the preliminary grading plan and the final grading plan. Deviation over one foot may be referred to the Planning Commission subject to approval of the City Engineer.
13. The minimum drainage slope in swales shall be 1.5%.
14. Retaining walls shall be limited to a maximum height of three feet. All retaining walls supporting surcharge shall be reinforced concrete or approved equal. Pressure treated wood retaining walls will be allowed for retaining walls 12-inches or less in height.